

# TAXATION

DATE 3-21-07

[illegible]



## SENATE STANDING COMMITTEE REPORT

March 21, 2007

Page 1 of 1

Mr. President:

We, your committee on **Taxation** recommend that **House Bill 469** (third reading copy -- blue) be concurred in.

Signed: \_\_\_\_\_

  
*Senator Jim Elliott, Chair*

To be carried by Senator Kim Gillan

- END -

**Committee Vote:**

**Yes 7, No 4**

Fiscal Note Required \_\_\_\_\_



601358SC.ssc



## SENATE STANDING COMMITTEE REPORT


March 21, 2007

Page 1 of 5

Mr. President:

We, your committee on **Taxation** recommend that **Senate Bill 174** (first reading copy -- white) **do pass as amended.**

Signed: \_\_\_\_\_

  
*Senator Jim Elliott, Chair*

**And, that such amendments read:**

1. Title, line 7 through line 11.

**Strike:** the second "CLARIFYING" on line 7 through "LAW;" on line 11

2. Title, line 12 through line 13.

**Strike:** "PROVIDING" on line 12 through "REPORTING;" on line 13

3. Title, line 20.

**Following:** "REVENUE;"

**Insert:** "DIRECTING CIGARETTE TAX APPEALS TO THE DEPARTMENT OF REVENUE;"

4. Title, line 21.

**Strike:** "15-30-101,"

**Strike:** "15-30-135,"

**Strike:** "15-30-137,"

5. Title, line 22.

**Following:** "15-39-107,"

**Strike:** "17-7-502,"

**Insert:** "16-11-149,"

6. Title, line 23.

**Strike:** "REPEALING SECTION 15-1-113, MCA;"

7. Page 3, line 10.

**Following:** "(2) (a) "

**Committee Vote:**

**Yes 9, No 2**

Fiscal Note Required \_\_\_\_\_

*Kf*

601511SC.ssc

**Insert:** "(i)"  
**Strike:** "subsection"  
**Insert:** "subsections (2)(a)(ii) and"

8. Page 3, line 11.

**Strike:** "1%"  
**Insert:** "0.5%"  
**Strike:** "or fraction of a month"

9. Page 3, line 12.

**Strike:** "10%"  
**Insert:** "12%"

10. Page 3.

**Following:** line 12

**Insert:** "(ii) A penalty under this subsection (2)(a) may not be imposed on a taxpayer subject to taxation under 15-30-103 if, subject to the conditions of 15-30-241(1)(a)(i), the taxpayer pays, when due, at least 90% of the tax for the current year."

11. Page 3, line 14.

**Strike:** "or fraction of a month"

12. Page 3.

**Following:** line 15

**Insert:** "(c) The penalties provided in subsections (2)(a) and (2)(b) on delinquent taxes and on deficiency assessments are computed from the original due date of the return until the tax is paid. The penalty accrues daily on the unpaid tax from the original due date of the return regardless of whether the taxpayer has received an extension of time for filing the return."

**Renumber:** subsequent subsections

13. Page 3, line 18.

**Strike:** "\$1,500"  
**Insert:** "\$2,500"

14. Page 3, line 22.

**Strike:** "(2)(c)(iv)"  
**Insert:** "subsection (2)(d)(iv)"

15. Page 3, line 27 through page 4, line 2.

**Strike:** subsection (d) and subsection (3) in their entirety  
**Renumber:** subsequent subsections

16. Page 4, line 9.

**Following:** "return or"

**Insert:** "purposely or knowingly"

17. Page 4, line 14.

**Following:** "return or"

**Insert:** "purposely or knowingly"

18. Page 4, line 17.

**Strike:** "(6) (a) (i)"

**Insert:** "(5) (a) (i) "

19. Page 4, line 18.

**Strike:** "(6) (a)"

**Insert:** "(5) (a) "

20. Page 4, line 23.

**Strike:** "or 8%, whichever is greater"

21. Page 4, line 25.

**Following:** "12%"

**Insert:** "a year"

22. Page 4, line 29.

**Strike:** "(7) (b)"

**Insert:** "(6) (b) "

23. Page 5, line 12.

**Strike:** "(6) (a) (i)"

**Insert:** "(5) (a) (i) "

**Strike:** "(7) (a)"

**Insert:** "(6) (a) "

24. Page 5, line 15 through page 10, line 20.

**Strike:** section 4 in its entirety

**Renumber:** subsequent sections

25. Page 12, line 11 through page 13, line 26.

**Strike:** section 6 in its entirety

**Renumber:** subsequent sections

26. Page 15, line 9 through page 16, line 11.

**Strike:** section 8 in its entirety

**Renumber:** subsequent sections

27. Page 17, line 17.

**Following:** "of the"

**Insert:** "determination of the"

28. Page 17, line 26.



**Strike:** "(a)"

29. Page 17, line 27.

**Strike:** "Except" through "interest"

**Insert:** "Interest"

30. Page 18, line 5.

**Strike:** "(i)"

**Insert:** "(a)"

**Renumber:** subsequent subsections

31. Page 18, line 9 through line 10.

**Strike:** subsection (b) in its entirety

32. Page 21, line 16.

**Strike:** "1"

33. Page 21, line 17.

**Strike:** "chapter 12"

34. Page 23, line 4.

**Strike:** ", chapter 12"

35. Page 24, line 9.

**Strike:** "(a)"

36. Page 24, line 12.

**Strike:** "(b)"

**Insert:** "(2)"

**Following:** "15-39-102"

**Strike:** "and"

**Insert:** "or"

37. Page 24, line 13.

**Strike:** "a penalty"

**Insert:** "penalties"

38. Page 24, line 15 through line 16.

**Strike:** subsection (2) in its entirety

39. Page 24, line 25.

**Insert:** "**Section 15.** Section 16-11-149, MCA, is amended to read:

**"16-11-149. Hearings before ~~state tax appeal board~~**  
**department.** A person aggrieved by any action of the department or  
its authorized agents taken to enforce the tax provisions of this  
part, except for a revocation of a license pursuant to 16-11-144,  
may apply to the ~~state tax appeal board~~ department, in writing,  
for a hearing or rehearing within 30 days after the action of the  
department or its authorized agents. The ~~board~~ department shall

promptly consider the application, set the application for hearing, and notify the applicant of the time and place fixed for the hearing or rehearing, which may be at its office or in the county of the applicant. After the hearing or rehearing, the board department may make any further or other order in the premises as it may consider proper and lawful and shall furnish a copy to the applicant. The department, on its own initiative, may order a contested case hearing on any matter concerned with licensing, as defined in 2-4-102, in connection with the administration of this part upon at least 10 days' notice in writing to the person or persons to be investigated. A final order by the department may be appealed to the state tax appeal board."

**Renumber:** subsequent sections

40. Page 24, line 26 through page 25, line 27.

**Strike:** section 18 in its entirety

**Renumber:** subsequent sections

41. Page 26, line 10.

**Strike:** section 20 in its entirety

**Renumber:** subsequent sections

42. Page 26, line 14.

**Strike:** "subsection"

**Insert:** "subsections"

**Following:** "(2)"

**Insert:** "and (3)"

43. Page 26, line 16.

**Strike:** "3(5)"

**Insert:** "3(4)"

**Strike:** ", amending subsection (5) of 15-1-216,"

44. Page 26.

**Following:** line 17

**Insert:** "(3) [Sections 2, 9, and 10] apply on [the effective date of this act]."

- END -

MONTANA STATE SENATE  
2007 LEGISLATURE

TAXATION

ROLL CALL VOTE

DATE 3-21-07 BILL NO. HB-469 NUMBER           

MOTION: DoR Amendment that leaves all cellphones  
in classes 4 + 8 at a 3% tax rate

fails 4-7

NAME	AYE	NO
SEN. JERRY BLACK (R)		<input checked="" type="checkbox"/>
SEN. JEFF ESSMANN (R)		<input checked="" type="checkbox"/>
SEN. KELLY GEBHARDT (R)		<input checked="" type="checkbox"/>
SEN. KIM GILLAN (D)		<input checked="" type="checkbox"/>
SEN. DAN HARRINGTON (D)	<input checked="" type="checkbox"/>	
SEN. CHRISTINE KAUFMANN (D)	<input checked="" type="checkbox"/>	
SEN. SAM KITZENBERG (D)		<input checked="" type="checkbox"/>
SEN. JIM PETERSON (R)		<input checked="" type="checkbox"/>
SEN. TRUDI SCHMIDT (D)	<input checked="" type="checkbox"/>	
SEN. ROBERT STORY (R)		<input checked="" type="checkbox"/>
SEN. JIM ELLIOTT (D) CHAIRMAN	<input checked="" type="checkbox"/>	
	4	7



MONTANA STATE SENATE  
2007 LEGISLATURE

TAXATION

ROLL CALL VOTE

DATE 3-21-07 BILL NO. HB-4169 NUMBER 2

MOTION: Do Pass

passed 7-4

NAME	AYE	NO
SEN. JERRY BLACK (R)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SEN. JEFF ESSMANN (R)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SEN. KELLY GEBHARDT(R)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SEN. KIM GILLAN (D)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SEN. DAN HARRINGTON (D)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SEN. CHRISTINE KAUFMANN (D)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SEN. SAM KITZENBERG (D)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SEN. JIM PETERSON (R)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SEN. TRUDI SCHMIDT (D)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SEN. ROBERT STORY (R)	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
SEN. JIM ELLIOTT (D) CHAIRMAN	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>
	7	4

## SENATE PROXY FORM

According to Senate Rule 30-70 ( 13) ( f ) , a committee member may vote by proxy using a standard form.

### PROXY VOTE

I, the undersigned, hereby authorize Senator

Kanfer

to vote my proxy on any issue before the Senate

Taxation

\_\_\_\_\_  
Committee

held on \_\_\_\_\_

, 2007.

votes yes on all amendments  
to SB 174  
yes on bill ~~SB 174~~

Christy  
SENATOR  
STATE OF MONTANA

## SENATE PROXY FORM

According to Senate Rule 30-70 ( 13) ( f ) , a committee member may vote by proxy using a standard form.

### PROXY VOTE

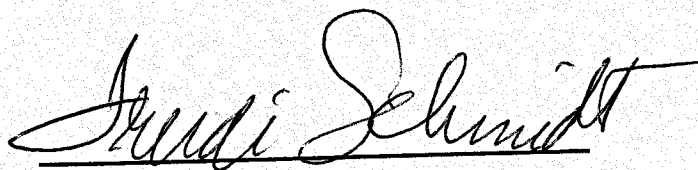
I, the undersigned, hereby authorize Senator Schmidt

to vote my proxy on any issue before the Senate Tax

\_\_\_\_\_ Committee

held on March 21, 2007, 2007.

HB 469 - NO  
HB 469 - Amendment - NO  
SB 174 - YES



SENATOR  
STATE OF MONTANA

# TAXATION

DATE March 21, 2007

**BILLS BEING HEARD TODAY** SB-556

**PLEASE PRINT**

[illegible]

**PLEASE LEAVE PREPARED STATEMENT WITH COMMITTEE SECRETARY**

Amendments to Senate Bill No. 174  
1st Reading Copy

Adopted by Senate Taxation Committee

Prepared by Lee Heiman  
March 21, 2007 (3:10pm)

1. Title, line 7 through line 11.

**Strike:** the second "CLARIFYING" on line 7 through "LAW;" on line 11

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**Strike:** "15-30-135,"

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**Insert:** "(i)"

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{ Internal References to 16-11-149:

16-11-105x} "

**Renumber:** subsequent sections

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**Renumber:** subsequent sections

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**Strike:** section 20 in its entirety

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**Strike:** ", amending subsection (5) of 15-1-216,"

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**Following:** line 17

**Insert:** "(3) [Sections 2, 9, and 10] apply on [the effective date of this act]."

- END -